

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

MONDAY, THE 24TH SEPTEMBER 2007 / 2ND ASWINA 1929

WP(C).No. 27850 of 2007(M)

PETITIONER:

ABDUL RASHEED P., S/O. SAIDALI,
PARAKKAL HOUSE, NELLIKKUTH P.O., MANJERI,
MALAPPURAM DISTRICT.

BY ADV. SRI.SUNNY MATHEW

RESPONDENTS:

1. THE DEPUTY TAHSILDAR,
ERNAD, OFFICE OF THE TAHSILDAR, MANJERI.
2. THE DISTRICT COLLECTOR, MALAPPURAM.
3. THE SUB INSPECTOR OF POLICE,
MANJERI POLICE STATION.
4. THE MAMPAD GRAMA PANCHAYAT,
REPRESENTED BY ITS SECRETARY.
5. STATE OF KERALA,
REPRESENTED BY THE CHIEF SECRETARY TO GOVERNMENT,
SECRETARIAT, TRIVANDRUM.

BY SR. GOVT. PLEADER SRI. K.J. MOHAMMED ANZAR

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 24/09/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

JUDGMENT

TODAY I HAVE PASSED AN INTERIM ORDER WHICH ACCORDING TO ME
GRANTS THE PETITIONER ALL THE RELIEFS WHICH ARE POSSIBLE AT PRESENT. IN
VIEW OF THE INTERIM ORDER, THIS WRIT PETITION IS DISPOSED OF:

24.9.07

SD/- PIUS C.KURIAKOSE, JUDGE

PIUS C. KURIAKOSE, J.

W.P.(C). NO. 27850 OF 2007

Dated this the 24th day of September, 2007

ORDER

Learned Govt. Pleader, Sri. K.J. Mohammed Anzar, submits that Ext.P3 pass produced along with the writ petition had already become stale at the time of seizure of the vehicle. Mr. Sunny Mathew, learned counsel for the petitioner, submits that the petitioner is a dealer in brick and other building materials and he was only transporting sand, which he had purchased from persons who had procured sand on the basis of valid passes. This is the first time that the petitioner's vehicle has become involved in an occurrence of this nature, so submits learned counsel.

2. Considering the submissions of Mr. Sunny Mathew and the irresistible position that no useful purpose will be served from anybody's point of view by allowing the vehicle to idle in the precincts of the Police Station, I am inclined to grant interim relief subject to conditions. Accordingly, there will be an interim order on the following terms:

Petitioner is directed to remit cash Rs.15,000/- with the 1st respondent and obtain a receipt. Petitioner is also directed to file an affidavit undertaking to produce the vehicle having Reg. No.KL-10G 8946 in good running condition as and when directed in that regard by the 2nd respondent or any other competent authority. Once the 3rd respondent, the present custodian of the Mini Lorry notices copy of the affidavit as well as the original of the cash receipt, he will forthwith release the vehicle to the petitioner. It is made clear that release as directed above will be subject to the result of the adjudication proceedings, which will be commenced and completed by the 2nd respondent at his earliest and at any rate within four on receiving a copy of this order.

PIUS C. KURIAKOSE, JUDGE

vps

K.R. UDAYABHANU, JUDGE

CRL.A. NOS.721/99 & 213/02

JUDGMENT

13TH SEPTEMBER, 2007

CRL.R.P.769/00

ORDER IN CRL.M.P. NO.4143/00 IN CRL.R.P.769/00

DISMISSED

13.9.07

SD/- **K.R. UDAYABHANU, JUDGE**

/TRUE COPY/

PA TO JUDGE.